

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-22538-ALTMAN/REID

PIERCE ROBERTSON, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

**JOINT AGREED MOTION TO EXTEND THE RESPONSE DEADLINE FOR ALL
DEFENDANTS**

Plaintiffs, PIERCE ROBERTSON, *et al.*, and Defendants, MARK CUBAN, DALLAS BASKETBALL LIMITED d/b/a DALLAS MAVERICKS, ROBERT GRONKOWSKI, VICTOR OLADIPO, and LANDON CASSILL (Gronkowski, Cassill and Oladipo the “Mediating Defendants”), respectfully request the Court to enter a 60-day extension for all Defendants to respond to the Second Amended Complaint (“SAC”).

A brief extension is warranted, so that the Mediating Defendants and Plaintiffs can focus all of their time, expense and energy to a Mediation that will be conducted by mid-October (on dates that will be confirmed shortly) before Judge Michael Hanzman (*ret.*). Accordingly, Plaintiffs and Defendants respectfully request the Court grant their Joint Motion and state as follows:

1. On June 6, 2023, this Court granted Plaintiffs’ motion for leave to amend their Amended Complaint, after which Plaintiffs filed the SAC under seal, which was entered on the docket on June 9, 2023. [ECF No. 155].

2. Plaintiffs first named the Mediating Defendants in the SAC. On June 20, 2023, the Court issued an Order vacating the Trial and Pre-Trial Schedule in full. [ECF No. 163].

3. Pursuant to the Court's Order in Cases with Multiple Plaintiffs and Defendants [ECF No. 4] and the June 20, 2023 Order [ECF No. 163], the time for responsive pleadings—for all Defendants—begins to run when the last Defendant is served. Accordingly, all parties agree that the current deadline for all Defendants to respond to the SAC is August 28, 2023.

4. The current deadline to file an Amended Joint Scheduling Report is September 4, 2023. [ECF No. 163]. By that same date, any newly added Defendant must file a certificate of interested parties and a corporate disclosure statement that contains a complete list of persons, associated persons, firms, partnerships, or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a party. [ECF No. 163].

5. On August 7, 2023, Counsel for Mr. Gronkowski and Mr. Cassill filed an appearance [ECF No. 175]. On July 7, 2023, Counsel for Mr. Oladipo filed an appearance [ECF No. 168]. Plaintiffs and Mediating Defendants have already contacted Judge Hanzman and will confirm this week a specific Mediation date in late September or, in any event, before mid-October.

6. The Parties agree that a brief 60-day extension of the Response in this case is warranted in light of the upcoming mediation before Judge Michael Hanzman (*ret.*) between Plaintiffs and the Mediating Defendants and this Court's current order requiring a joint response to the SAC from all Defendants, [ECF No. 4]. Given the breadth of the SAC and the recent addition of these defendants to this action, the Parties further agree that a 60-day extension will promote judicial economy by allowing Plaintiffs and the newly added defendants to focus on attempting to resolve this dispute before devoting extensive resources to responding to the SAC.

7. The Parties further agree that a discovery standstill in this case until November 14, 2023 is warranted for the same reasons. Notwithstanding this temporary standstill of discovery, (i)

the Parties agree to engage in good-faith efforts to determine what information needs to be redacted from the SAC and its exhibits pursuant to the Protective Order [ECF No. 65] in a forthcoming publicly filed version of the SAC and its exhibits; and (ii) defendants Mark Cuban and the Dallas Mavericks agree to engage with Plaintiffs in good faith to resolve disputes regarding claims of privilege, asserted in connection with prior document productions, that have been already raised by the parties.

8. Only two deadlines will be amended for the Defendants (if this Motion is granted):

- October 27, 2023 – all Defendants shall respond to the SAC.
- November 3, 2023 – The Parties shall file an amended joint scheduling report, as required by Local Rule 16.1; any newly added Defendant must file a certificate of interested parties and a corporate disclosure statement that contains a complete list of persons, associated persons, firms, partnerships, or corporations that have a financial interest in the outcome of this case, including subsidiaries, conglomerates, affiliates, parent corporations, and other identifiable legal entities related to a party.

9. This Motion is filed in good faith and not for any dilatory purpose.

WHEREFORE, the Parties respectfully request the Court enter the Proposed Order extending by 60 days the time for all Defendants to respond to the SAC.

Respectfully submitted this 23rd day of August, 2023

<p>Counsel for Plaintiffs:</p> <p><u>/s/ Adam M. Moskowitz</u> Adam M. Moskowitz Florida Bar No. 984280 Joseph M. Kaye Florida Bar No. 117520 Barbara C. Lewis Florida Bar No. 118114 THE MOSKOWITZ LAW FIRM, PLLC Continental Plaza 3250 Mary Street, Suite 202 Miami, FL 33133 Mailing Address: P.O. Box 653409, Miami, FL 33175 Telephone: (305) 740-1423 adam@moskowitz-law.com joseph@moskowitz-law.com barbara@moskowitz-law.com</p>	<p>Counsel for Plaintiffs:</p> <p><u>/s/ David Boies</u> David Boies (admitted <i>pro hac vice</i>) Alexander Boies (admitted <i>pro hac vice</i>) Brooke Alexander (admitted <i>pro hac vice</i>) BOIES SCHILLER FLEXNER LLP 333 Main Street Armonk, NY 10504 Phone: (914) 749-8200 dboies@bsflp.com aboies@bsflp.com balexander@bsflp.com</p> <p>Stephen Neal Zack Florida Bar No. 145215 BOIES SCHILLER FLEXNER LLP 100 SE 2nd St., Suite 2800 Miami, FL 33131 Office: 305-539-8400 Fax: 305-539-1307 szack@bsflp.com</p>
<p>Counsel for Defendant Landon Cassill:</p> <p><u>/s/ R. Craig Mayfield</u> R. CRAIG MAYFIELD Fla. Bar No. 429643 Email: cmayfield@bradley.com</p> <p>BRADLEY ARANT BOULT CUMMINGS LLP 100 North Tampa Street, Suite 2200 Tampa, Florida 33602 Tel: (813) 559-5525 Fax: (813) 229-5946</p>	<p>Counsel for Defendant Robert Gronkowski:</p> <p><u>/s/ R. Craig Mayfield</u> R. CRAIG MAYFIELD Fla. Bar No. 429643 Email: cmayfield@bradley.com</p> <p>BRADLEY ARANT BOULT CUMMINGS LLP 100 North Tampa Street, Suite 2200 Tampa, Florida 33602 Tel: (813) 559-5525 Fax: (813) 229-5946</p>

<p>Counsel for Defendants Mark Cuban and Dallas Basketball Limited d/b/a Dallas Mavericks:</p> <p><u>/s/ Christopher E. Knight</u> CHRISTOPHER E. KNIGHT, ESQ. Fla. Bar No. 607363 Email: cknight@fowler-white.com</p> <p>ESTHER E. GALICIA, ESQ. Fla. Bar No. 510459 Email: egalicia@fowler-white.com</p> <p>ALEXANDRA L. TIFFORD, ESQ. Fla. Bar No. 0178624 Email: atifford@fowler-white.com</p> <p>FOWLER WHITE BURNETT, P.A. Brickell Arch, Fourteenth Floor 1395 Brickell Avenue Miami, Florida 33131 Telephone: (305) 789-9200 Facsimile: (305) 789-9201</p> <p>-and-</p> <p>PAUL C. HUCK, JR., ESQ. Fla. Bar No. 0968358 Email: paul@lawsonhuckgonzalez.com</p> <p>LAWSON HUCK GONZALEZ, PLLC 334 Minorca Avenue Coral Gables, Florida 33134 Telephone: (850) 825-4334</p> <p>-and-</p>	<p>Counsel for Defendant Victor Oladipo:</p> <p><u>/s/ Jonathan S. Feldman</u> JONATHAN S. FELDMAN, ESQ. Florida Bar. No. 12682 Primary Email: feldman@katiephang.com</p> <p>PHANG & FELDMAN, PA One Biscayne Tower, Suite 1600 2 South Biscayne Boulevard Miami, Florida 33131 Tel: (305) 614-1223 Fax: (305) 614-1187</p>
---	---

<p>STEPHEN A. BEST, ESQ. <i>Pro Hac Vice</i> Email: sbest@brownrudnick.com</p> <p>RACHEL O. WOLKINSON, ESQ. <i>Pro Hac Vice</i> Email: rwolkinson@brownrudnick.com</p> <p>BROWN RUDNICK LLP 601 Thirteenth Street NW Suite 600 Washington, DC 20005 Telephone (202) 536-1755</p> <p><i>-and-</i></p> <p>SIGMUND WISSNER-GROSS, ESQ. <i>Pro Hac Vice</i> Email: swissner-gross@brownrudnick.com</p> <p>JESSICA N. MEYERS, ESQ. <i>Pro Hac Vice</i> Email: jmeyers@brownrudnick.com</p> <p>BROWN RUDNICK LLP Seven Times Square New York, NY 11036 Telephone: (212) 209-4930</p>	
--	--

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF.

/s/ R. Craig Mayfield
R. CRAIG MAYFIELD
Fla. Bar No. 429643